WP(C) 578/2006
BEFORE
HON'BLE JUSTICE AMITAVA ROY

Heard Mr. A Maleque, learned counsel for the petitioner and Mr. Patwary, learned Standing counsel, Public Works Department.

The learned Standing counsel informs this Court that in spite of his repeated endeavours, instructions are not forthcoming. Having regard to the relief prayed for, I dispose of this petition at this stage.

The case in short, is that the petitioner No. 1, who was appointed on 30.01.1996 as Work Charge Section Assistant in the establishment of the Executive Engineer, Public Works Department, Kokrajhar Road Division was eventually transferred to Dhubri, Public Works Department, Road Division, where he claims to be continuing as such till date. The petitioner No. 2 was appointed as Work Charge Khalasi on 26.03.1996 in the office of the Executive Engineer, PWD, Kokrajhar Roads Division and was also transferred to Dhubri Roads Division, where he is still serving. The petitioners' grievance before this Court, is that their salary from November, 2005, has been withheld.

The pleaded statements on oath have remained unrebutted.

The learned counsel for the petitioner has submitted that the action of the respondents in withholding the salary as above, is arbitrary and without any justification and therefore, a writ of mandamus be issued for release thereof.

It is too trite to state that if an incumbent renders service under the Government, he is entitled to be remunerated therefor. The State as a model employer cannot on one hand extract the services and on the other, deny the employee his dues in law.

Be that as it may, in absence of the written response or instructions on behalf of the respondents, this Court deems it fit and proper to close this petition with a direction to the Chief Engineer, Public Works Department (Roads), Chandmari, Guwahati, to cause immediate steps to be taken to examine the petitioners' claim for their salary from November, 2005 and if on such verification there appears to be no impediment in law for doing so, the said authority would direct disbursement of their salary in arrears. Ordered accordingly. This should be done within a period of two (2) months from the date of receipt of the certified copy of this order. No costs.

JUDGE
Bc/